

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

BILL ALEXANDER,	§ No. 4:14-cv-487
	§
Plaintiff,	§
	§
v.	§
	§
RUSHMORE SERVICE CENTER, LLC.	§
	§
Defendant.	§
	§

PLAINTIFF'S COMPLAINT

BILL ALEXANDER (Plaintiff), through his attorneys, KROHN & MOSS, LTD., alleges the following against RUSHMORE SERVICE CENTER, LLC. (Defendant):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 *et seq.* ("FDCPA").
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

JURISDICTION AND VENUE

3. Jurisdiction of this Court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."
4. Defendant conducts business in the state of Texas, and therefore, personal jurisdiction is established.
5. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

PARTIES

6. Plaintiff is a natural person residing in Justin, Denton County, Texas.
7. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3), and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5).
8. Defendant is a business entity with its main office located in Sioux Falls, South Dakota.
9. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6), and sought to collect a consumer debt from Plaintiff.

FACTUAL ALLEGATIONS

10. Defendant constantly and continuously places collection calls to Plaintiff seeking and demanding payment for an alleged debt.
11. Upon information and belief, the alleged debt arises from transactions which were for personal, family and/or household purposes.
12. Defendant places collection calls to Plaintiff's telephone number at 817-907-0852.
13. Defendant placed collection calls from telephone number, 605-333-6299.
14. Defendant began placing collection calls to Plaintiff on his telephone.
15. During the course of a telephone call in or around March 2014, Defendant's representative threatened to garnish Plaintiff's wages, take Plaintiff to court and issue a warrant for his arrest if he did not pay the subject debt.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT,
(FDCPA), 15 U.S.C. § 1692 et seq.

16. Defendant violated the FDCPA based on the following:

- a) Defendant violated § 1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress or abuse Plaintiff.
- b) Defendant violated § 1692e of the FDCPA by using false, deceptive or misleading representations or means in connection with the collection of any debt.
- c) Defendant violated § 1692e(4) of the FDCPA by threatening garnishment of Plaintiff's wages and threatening to issue a warrant for Plaintiff's arrest.

WHEREFORE, Plaintiff respectfully requests judgment be entered against Defendant for the following:

17. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,
18. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,
19. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

Dated: 7/29/2014

By: /s/Ryan S. Lee
Ryan S. Lee
Krohn & Moss, Ltd
10474 Santa Monica Blvd.
Suite 405
Los Angeles, CA 90025
(323) 988-2400 x241
(866) 861-1390 (fax)
Email: rlee@consumerlawcenter.com